

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FREDDIE CAGLE,

Plaintiff,

vs.

CIVIL ACTION FILE NO.:
2:23-cv-140-RWS

NATIONAL INDEMNITY
COMPANY OF THE SOUTH and OLD
REPUBLIC INSURANCE COMPANY,

Defendants.

**DEFENDANT NATIONAL INDEMNITY COMPANY OF THE SOUTH'S
RESPONSE TO PLAINTIFF'S REQUESTS FOR ADMISSION**

National Indemnity Company of the South ("NICO") responds to Plaintiff's Requests for Admission as follows:

REQUESTS FOR ADMISSION

1.

Admit National Indemnity took no action to retire as the surety for One Way before July 16, 2019.

RESPONSE: NICO admits it did not make a filing to cancel its MCS-90 endorsement prior to July 16, 2019; its MCS-90 endorsement was cancelled by replacement effective June 14, 2019, pursuant to 49 C.F.R. § 387.313(e) when Old Republic Insurance Company made a financial responsibility filing for

One Way Hauling Express Co. NICO denies any remaining allegations in this request.

2.

Admit National Indemnity did not notify One Way of its desire or intention to retire as the surety for One Way before July 16, 2019.

RESPONSE: NICO admits only that no decision as to cancellation of its MCS-90 endorsement was made before July 16, 2019. NICO denies any remaining allegations in this request.

3.

Admit One Way was a for-hire motor carrier on July 16, 2019.

RESPONSE: Admit.

4.

Admit One Way was not a motor private carrier [sic] on July 16, 2019.

RESPONSE: Admit.

5.

Admit the amount of the limits of National Indemnity's MCS-90 endorsement issued to One Way is \$750,000.00.

RESPONSE: Admit.

6.

Admit that should the Court determine National Indemnity has MCS-90 liability for the judgment against One Way, National Indemnity would be liable to pay \$750,000.00 of the judgment.

RESPONSE: NICO admits that if the Court determines that NICO's MCS-90 issued to One Way has been triggered, the limit of its exposure is \$750,000.00. NICO denies any remaining allegations in this request.

This 6th day of June, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing
DEFENDANT NATIONAL INDEMNITY COMPANY OF THE SOUTH'S
RESPONSE TO PLAINTIFF'S REQUESTS FOR ADMISSION by email
addressed to the following counsel of record:

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This 6th day of June, 2024.

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